



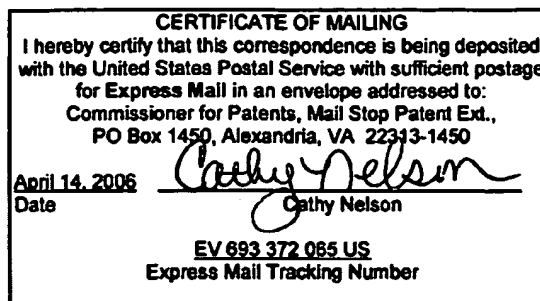
04-17-06

DAES

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/596,429 Confirmation No. 1651  
Applicant : Goodrich, Jr. et al.  
Filed : June 15, 2000  
TC/A.U. : 1744  
Examiner : Chorbaji, Monzer R.  
For : METHODS AND APPARATUS FOR INACTIVATION  
OF BIOLOGICAL CONTAMINANTS USING PHOTSENSITIZERS  
Docket No. : 27-98B  
Customer No.: 23713

Commissioner for Patents  
MAIL STOP PATENT EXT.  
P.O. Box 1450  
Alexandria, VA 22313-1450



## APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705

Sir:

Pursuant to 37 C.F.R. 1.705, Applicant requests reinstatement of part of the term reduced pursuant to 1.704(b). This Application for Patent Term Adjustment is accompanied by the fee set forth in 1.18(e), a statement of the facts involved under 37 C.F.R. 1.705(b)(2), the fee set forth in 1.18(f), and a showing under 37 C.F.R. 1.705(c).

## Statement of facts under 37 C.F.R. 1.705(b)(2)

(i) The correct patent term adjustment is believed to be 707 days.

Under 37 C.F.R. 1.702(a)(1), an adjustment of 727 days can be attributed to the Patent Office for failure to mail at least one notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed. Under 37 C.F.R. 1.702(a)(2), an adjustment of 53 days can be attributed to the Patent Office for failure to respond to a reply under 35 U.S.C. 132 or to an appeal taken under 35 U.S.C. 134 not later than four months after the date on which the reply was filed or the appeal was taken. This gives a total of 780 days of

Adjustment date: 07/21/2006 CKHLOK  
04/19/2006 WABDEL3 00000108 071963 09596429  
02 FC:1456 400.00 CR

09596429  
04/19/2006 WABDEL3 00000108 07196302 FC:1456  
400.00 CR

delay attributable to the Patent Office. Under 1.704, a total of 73 days delay can be attributed to Applicant failure to respond to a notice or action within three months.

(ii) Dates under 1.703(a) through (e) for which an adjustment is sought and the adjustment as specified in 1.703(f) to which the patent is entitled:

**Patent Office Delay**

June 15, 2000 [filing of application] – August 12, 2003 [mailing of non-final rejection] (727 days delay)

December 11, 2003 [response after non-final action] – June 3, 2004 [mail non-final rejection] (53 days delay)

The patent is entitled to a Patent Term Adjustment of 780 days due to Patent Office delay. This calculation is correct in the Patent Term Adjustment History [Exhibit A].

(iii) The patent application is subject to three terminal disclaimers [over US Patent 6,258,577; 6,277,337; and 6,843,961]. There is no expiration date specified in the terminal disclaimers. It is noted the term of a patent which issues from the instant patent application is not disclaimed if the prior patent referred to in a terminal disclaimer is terminated prior to the expiration of its full statutory term. Therefore, this correction of Patent Term Adjustment if necessary.

(iv) (A) Under 37 C.F.R. 1.704(b), a total delay of 73 days can be attributed to applicant for the period of time in excess of three months that are taken to reply to a notice or action by the Office making any rejection, objection, argument, or other request.

**Applicant Delay**

August 12, 2003 [mailing of non-final rejection] – December 11, 2003 [response after non-final action] (29 days delay)

September 1, 2004 [mail non-final rejection] – January 14, 2005 [response after non-final action] (44 days delay)

**Showing under 37 C.F.R. 1.705(c)**

The 133 day adjustment specified in the Term Adjustment History between the Mailing of a non-final rejection on June 3, 2004 and the response after non-final action filed on January 14, 2005 is incorrect.

The PAIR system indicated an applicant delay of 133 days beginning three months after the mailing date of a non-final rejection on June 3, 2005 [September 3, 2005] and ending on the date a response after non-final action was filed January 14, 2005.

However, this delay calculation does not take into consideration the restarting period for response and the non-final rejection mailed September 1, 2004.

In this application, the non-final rejection mailed June 3, 2004 was exactly the same as the non-final rejection mailed August 12, 2003. The Supervisory Patent Examiner was contacted on August 12, 2004 regarding this issue. The Supervisory Patent Examiner indicated the non-final rejection mailed June 3, 2004 would be withdrawn and the time period for response would be reset [see Exhibit B]. There is a notation in the Patent Term Adjustment History of a Letter Restarting Period for Response on August 31, 2004 and the mailing of the notice of restarted response period on September 1, 2004. The mailing on September 1, 2004 is a non-final rejection [see Exhibit C]. The non-final rejection mailed on September 1, 2004 was responded to on January 14, 2005 [adjustment of 44 days due to applicant delay]. Therefore, 89 extra days of patent term extension should be provided.

133  
111  
22  
133

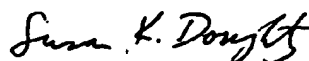
### CONCLUSION

In view of the above arguments and evidence presented, it is believed the Patent Term Adjustment printed on the Notice of Allowance should be 707 days. Reconsideration and adjustment of the Patent Term Adjustment is respectfully requested.

If further information is required, please contact the undersigned.

Please deduct \$600.00 (the fee set forth in 1.18(e) and 1.18(f)) from Deposit Account No. 07-1969. If this amount is incorrect, please deduct the appropriate amount or credit any overpayment to Deposit Account 07-1969.

Respectfully submitted,



Susan K. Doughty  
Reg. No. 43,595

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Attorney Docket No. 27-98B  
April 14, 2006



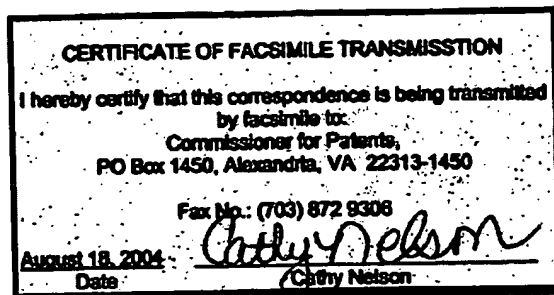
EXHIBIT

B

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Customer No.: 23713

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Alexandria, VA 22313-1450



## INTERVIEW SUMMARY

Sir:

The Supervisory Patent Examiner Robert Warden is thanked for a telephone interview on August 12, 2004.

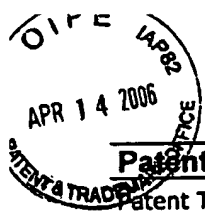
In the Interview, the Supervisor indicated the currently-pending Office Action (mailed June 3, 2004) would be withdrawn and the time period for response would be reset, in view of the fact that the currently-pending Office Action is a duplicate of the Office Action mailed August 12, 2003 and responded to by Applicant on December 11, 2003.

Respectfully submitted,

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Reg. No. 43,595

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Attorney docket No. 27-98B  
August 18, 2004



**Patent Term Adjustments**

Patent Term Adjustment (PTA) for Application Number: 09/596,429

Filing or 371(c) Date:	06-15-2000	USPTO Delay (PTO) Delay (days):	780
Issue Date of Patent:	null	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL) Delay (days):	162
Post-Issue Petitions (days):	+0	Total PTA (days):	618
USPTO Adjustment(days):	+0	Explanation Of Calculations	

**Patent Term Adjustment History**

Date	Contents Description	PTO(Days)	APPL(Days)
01-24-2006	Mail Notice of Allowance		
01-20-2006	Notice of Allowance Data Verification Completed		
01-20-2006	Case Docketed to Examiner in GAU		
12-29-2005	Paralegal TD Accepted		
12-13-2005	Terminal Disclaimer Filed		
12-29-2005	Date Forwarded to Examiner		
12-13-2005	Amendment after Final Rejection		
09-14-2005	Mail Final Rejection (PTOL - 326)		
09-12-2005	Final Rejection		
07-12-2005	Date Forwarded to Examiner		
06-28-2005	Response after Non-Final Action		
04-05-2005	Mail Non-Final Rejection		
04-04-2005	Non-Final Rejection		
02-02-2005	IFW TSS Processing by Tech Center Complete		
01-14-2005	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received		
02-02-2005	Date Forwarded to Examiner		
01-14-2005	Response after Non-Final Action		133
01-14-2005	Request for Extension of Time - Granted		↑
01-14-2005	Workflow incoming amendment IFW		↑
09-01-2004	Mail Notice of Restarted Response Period		↑
08-31-2004	Letter Restarting Period for Response (i.e. Letter re: References)		↑
08-18-2004	Miscellaneous Incoming Letter		↑
06-03-2004	Mail Non-Final Rejection	53	
06-02-2004	Non-Final Rejection	↑	
02-05-2004	Incoming Letter Pertaining to the Drawings	↑	
01-12-2004	Date Forwarded to Examiner	↑	
12-11-2003	Response after Non-Final Action		29
12-11-2003	Request for Extension of Time - Granted		↑
08-12-2003	Mail Non-Final Rejection	727	
07-28-2003	Non-Final Rejection	↑	
01-22-2003	Information Disclosure Statement (IDS) Filed	↑	
03-14-2002	Case Docketed to Examiner in GAU	↑	

02-12-2002	Information Disclosure Statement (IDS) Filed	↑
04-23-2001	Information Disclosure Statement (IDS) Filed	↑
11-09-2000	Information Disclosure Statement (IDS) Filed	↑
08-29-2000	Case Docketed to Examiner in GAU	↑
08-24-2000	Application Dispatched from OIPE	↑
08-23-2000	Correspondence Address Change	↑
06-28-2000	IFW Scan & PACR Auto Security Review	↑
06-15-2000	Initial Exam Team nn	↑

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www.uspto.gov

EXHIBIT

C

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/596,429	06/15/2000	Raymond Paul Goodrich JR.	27-98B	1651

23713 7590 09/01/2004

GREENLEE WINNER AND SULLIVAN P C  
5370 MANHATTAN CIRCLE  
SUITE 201  
BOULDER, CO 80303

EXAMINER

CHORBAJ, MONZER R

ART UNIT

PAPER NUMBER

1744

DATE MAILED: 09/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED  
EDWISK  
SEP - 3 2004

Greenlee, Winner, Sullivan

ENT'D SEP 03 2004



**UNITED STATES PATENT & TRADEMARK OFFICE**  
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>7-18-06</u>		2 Serial/Patent # <u>091586,429</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
	Amendment			\$							
	Extension of Time			\$							
	Notice of Appeal/Appeal			\$							
<input checked="" type="checkbox"/>	Petition		4/14/06	\$ 400.00							
	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
	Maintenance			\$							
	Assignment			\$							
	Other			\$							
7 TOTAL AMOUNT OF REFUND			\$ 400.00								
8 TO BE REFUNDED BY:											
10 REASON:		Treasury Check									
<input checked="" type="checkbox"/>	Overpayment	Credit Deposit A/C #:									
<input checked="" type="checkbox"/>	Duplicate Payment	9 <table border="1" style="display: inline-table; text-align: center; width: 150px;"><tr><td>0</td><td>7</td><td>--</td><td>1</td><td>9</td><td>6</td><td>9</td></tr></table>			0	7	--	1	9	6	9
0	7	--	1	9	6	9					
	No Fee Due (Explanation):										
11 REFUND REQUESTED BY: <u>Kerry Fees</u>											
TYPED/PRINTED NAME: <u>Kerry Fees</u>		TITLE: <u>Legal Advisor</u>									
SIGNATURE: <u>Kerry A Fees</u>		PHONE: <u>571-272-7757</u>									
OFFICE: <u>OFFICE OF PAT. LEGAL ADM</u>											
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